

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOMINICK DESIMONE,

*Plaintiff,*

v.

U.S. CLAIMS SERVICES, INC., and  
PAUL HASHIM

*Defendants.*

CIVIL ACTION

NO. 19-6149 &  
NO. 19-6150

**ORDER**

**AND NOW**, this 11th day of March 2020, upon consideration of Plaintiff's Complaint (No. 19-6150, ECF No. 1), Defendants' Motion to Dismiss (No. 19-6150, ECF No. 5), Plaintiff's Response (No. 19-6150, ECF No. 8), Defendants' Reply (No. 19-6150, ECF No. 11), and Plaintiff's Sur-Reply (No. 19-6150, ECF No. 15), it is hereby **ORDERED** that the Motion is **GRANTED**:

1. Count I is **DISMISSED** without prejudice;
2. Count II is **DISMISSED** with prejudice;
3. DeSimone may file an amended complaint on or before April 1, 2020;
4. DeSimone's Motion to Dismiss (No. 19-6149, ECF No. 7) is **DENIED** as moot;  
and
5. The Clerk shall close Civil Action No. 19-6149.

BY THE COURT:

**/s/ Gerald J. Pappert**  
GERALD J. PAPPERT, J.